

35148

SERVICE DATE - OCTOBER 21, 2004

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-156 (Sub No. 25X)]

Delaware and Hudson Railway Company — Discontinuance of Trackage Rights — in
Susquehanna County, PA and Broome, Tioga, Chemung, Steuben, Allegany, Livingston,
Wyoming, Erie, and Genesee Counties, NY

On October 1, 2004, Delaware and Hudson Railway Company, Inc. (D&H) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 for D&H to discontinue overhead trackage rights over approximately 229.55 miles of railroad line owned and operated by Norfolk Southern Railway Company (NSR) between Lanesboro, PA, and Buffalo, NY. The specific lines proposed for discontinuance by D&H include: (1) NSR's line between milepost 189.8± in Lanesboro, PA, and CP Coles at milepost 210.9± in Binghamton, NY; (2) NSR's Southern Tier Line between milepost 217.0± in Binghamton, NY, and milepost 419.8± in Buffalo, NY; (3) NSR's Bison Running Track between the point of connection with the Southern Tier Line at milepost 419.8± and the point of connection with the lines of CSX Transportation, Inc. (CSXT) at milepost 423.3± in Buffalo, NY (including NSR's SK Yard, which D&H currently operates under an agreement between D&H and Consolidated Rail Corporation dated as of February 1, 1984), a distance of approximately 3.5 miles; and (4) NSR's Howard Street Running Track between the point

of connection with the Bison Running Track at milepost 420.15± and the point of connection with the lines of CSXT at milepost 422.3±, a distance of approximately 2.15 miles. D&H will retain trackage rights over NSR's line between milepost 210.9± and milepost 217.0± in Binghamton, NY, because D&H requires the use of that segment for ongoing operations in the Binghamton terminal area.

The interest of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Co. — Abandonment — Goshen, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by January 19, 2005.

This proceeding is exempt from environmental reporting requirements under 49 CFR 1105.6(c) and from historic reporting requirements under 1105.8(b).

All filings in response to this notice must refer to STB Docket No. AB-156 (Sub-No. 25X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-001; and (2) Terence M. Hynes, Sidley Austin Brown & Wood LLP, 1501 K Street, N.W., Washington, DC 20005. Replies to the petition are due on or before November 10, 2004.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal

STB Docket No. AB-156 (Sub-No. 25X)

Information Relay Service (FIRS) at 1-800-877-8339.]

Board decisions and notices are available on our website at

“WWW.STB.DOT.GOV.”

Decided: October 13, 2004.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary